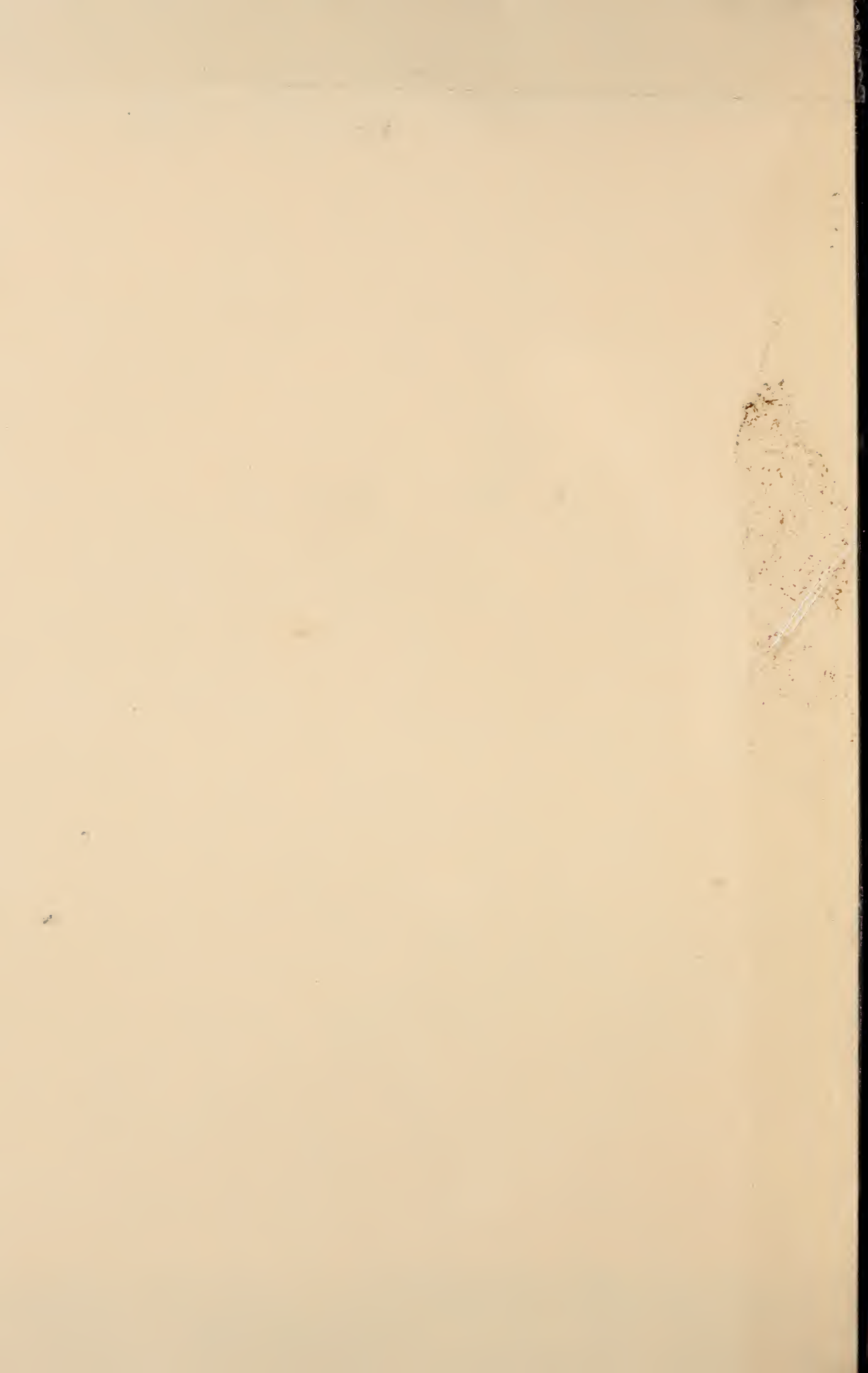


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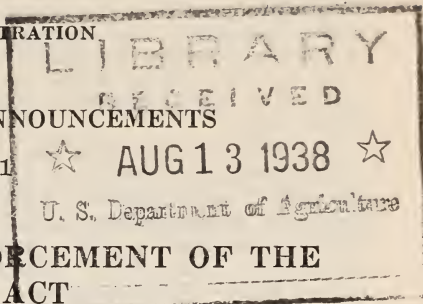


United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

SERVICE AND REGULATORY ANNOUNCEMENTS

Naval Stores No. 1



REGULATIONS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT

INTRODUCTION

Pursuant to the authority vested in the Secretary of Agriculture by section 4 of the Naval Stores Act, approved March 3, 1923 (42 Stat. 1435; 7 U. S. C., sec. 91-99), entitled "An act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes," the following rules and regulations for the administration and enforcement of the statute are hereby promulgated.

These regulations supersede those contained in United States Department of Agriculture Miscellaneous Circular 22, dated March 1, 1924, and all supplements and amendments thereto, and shall become effective June 1, 1938.

The text of the Naval Stores Act, together with the notices of establishment and promulgation of new standards for naval stores and modification of existing standards, are also given herewith.

H. A. WALLACE,
Secretary of Agriculture.

WASHINGTON, D. C., May 14, 1938.

RULES AND REGULATIONS FOR ENFORCEMENT OF THE NAVAL STORES ACT OF MARCH 3, 1923

Regulation 1.—Short Title of the Act

The "act establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes," approved March 3, 1923 (42 Stat. 1435; 7 U. S. C., 91-99), shall be known and referred to as the Naval Stores Act.

Regulation 2.—Definition of Terms Used in the Regulations

- (a) *Secretary*.—Secretary of Agriculture of the United States.
- (b) *Department*.—United States Department of Agriculture.
- (c) *Administration*.—Food and Drug Administration of the United States Department of Agriculture.¹
- (d) *Chief of Administration*.—Chief of the Food and Drug Administration.
- (e) *Naval stores*.—Spirits of turpentine and rosin, as defined in the act.
- (f) *Standards*.—The Official Naval Stores Standards of the United States for turpentine and rosin.
- (g) *Duplicates of United States rosin standards, or standard types*.—Combinations of colored glasses prepared and distributed by the Secretary of Agriculture for use as standards for grading rosin.

¹ The administration of the Naval Stores Act was formerly assigned to the Bureau of Chemistry.

(h) *Analysis*.—Any examination by physical, chemical, or sensory methods.
 (i) *Classification*.—Designation as to kind of spirits of turpentine or rosin.
 (j) *Grading*.—Determination of the grade of rosin, in accordance with the standards.

(k) *Inspector*.—Any person who is employed by the Secretary of Agriculture to sample, examine, classify, and grade naval stores.

(l) *Analyst*.—Any person in the employ of the Department of Agriculture designated by the Chief of Administration to analyze, classify, and/or grade naval stores.

(m) *Person*.—An individual, partnership, association, or corporation.

(n) *Interested person*.—(1) Any person who is a party to a factual or prospective transaction in a specific lot of naval stores either as seller, shipper, dealer in, or purchaser thereof; or (2) any person who is deemed by the Chief of Administration to have sufficient and proper interest in or contact with the grading and sale of rosin to merit the loan and use of duplicates of the United States rosin standards.

(o) *Package*.—Any container of naval stores, including barrel, can, drum, tank car, or other receptacle.

(p) *Certificate*.—The report made under the provisions of the act on a form provided therefor, to show the results of any analysis, classification, or grading of naval stores made under authority and direction of the Secretary.

(q) *Lot*.—The quantity of naval stores, or any part thereof, covered by any invoice rendered to cover the sale thereof, or quantity covered by any one bill of lading or other shipping document.

(r) *Commerce*.—The movement or transfer of (a) any article subject to the act, or (b) money in payment for such article, or (c) any document, invoice, paper, record, or other legible matter pertaining thereto; (1) between any place in any State, Territory, or possession, or the District of Columbia, and any place in another State, Territory, or possession, or the District of Columbia; (2) within any Territory, possession, or the District of Columbia; (3) between points in the same State or Territory which involves passage through a place outside thereof; (4) to or from any foreign country.

Regulation 3.—Scope of the Act

The Naval Stores Act:

(a) Defines "naval stores" as meaning spirits of turpentine and rosin.

(b) Provides classifications for the various kinds of spirits of turpentine and rosin, based on certain characteristic properties of their peculiar components which result from the kind of raw material used and from the method whereby the article was produced.

(c) Establishes standards of identity for the various kinds of spirits of turpentine in accordance with such classification.

(d) Establishes standard grades for rosin under specific designations, and provides for the preparation of standard types therefor, for use in determining the grade of rosin.

(e) Provides for the establishment of new standards and the modification of existing standards for naval stores.

(f) Requires that naval stores or anything offered as such, when sold in interstate or foreign commerce, or in the District of Columbia, Territories or possessions of the United States, shall be described and referred to in accordance with the standards provided therefor.

(g) Prohibits the sale of any naval stores under or by reference to a United States standard which is other than what it is designated or represented to be.

(h) Prohibits the use of (1) the word "turpentine" or the word "rosin" alone or in combination with other words; or (2) any abbreviation, derivative, or imitation of either of these words; or (3) any word, combination of words, letter, or combination of letters which has been provided by the act, or by the Secretary of Agriculture under the act, as a standard for naval stores; in selling, offering for sale, advertising, or shipping any article which is other than an article of naval stores conforming with the United States Standards.

(i) Prohibits the use of any false, misleading, or deceitful means or practice either in the sale or which may bring about the sale of any naval stores, or of anything offered as such, in commerce.

(j) Provides for the analysis, classification, or grading of naval stores by the Department of Agriculture, when practicable, at the request of a party

at interest, and the certification of the results of such examination under regulations and fees prescribed by the Secretary.

(k) Authorizes the preparation of the United States standards or standard types for rosin, and duplicates thereof, in the Department of Agriculture, and the furnishing, when practicable, of such duplicates to interested persons requiring same, under regulations prescribed by the Secretary.

Regulation 4.—Standards for Spirits of Turpentine

(a) Spirits of turpentine shall be deemed to be the light, colorless or but faintly colored volatile oil, having a characteristic odor and taste, which occurs naturally in and has been obtained from secretions (1) taken from living trees of the family Pinaceae or (2) existing in the wood of species thereof, and which consists principally of terpene hydrocarbons of the general empirical formula $C_{10}H_{16}$.

(b) Until other standards are established and promulgated by the Secretary the standards of identity for spirits of turpentine within the purview of the Naval Stores Act are as follows:

(1) *Gum Spirits of Turpentine*, the kind of spirits of turpentine obtained by distillation of the oleoresin (gum) from living trees, and commonly known prior to passage of the act as gum spirits of turpentine, gum turpentine, spirits of turpentine, or oil of turpentine.

(2) *Steam Distilled Wood Turpentine*, the kind of spirits of turpentine obtained by steam distillation from the oleoresinous component of wood whether in the presence of the wood or after extraction from the wood, and commonly known prior to passage of the act as steam distilled wood turpentine.

(3) *Destructively Distilled Wood Turpentine*, the kind of spirits of turpentine prepared from the distillate obtained in the destructive distillation (carbonization) of wood, and commonly known prior to passage of the act as destructively distilled wood turpentine.

(4) *Sulphate Wood Turpentine*, the kind of spirits of turpentine prepared from the condensates recovered in the sulphate process of cooking wood pulp, and commonly known as sulphate wood turpentine.

Regulation 5.—Standards for Classification and Grading of Rosin

(a) "Rosin" shall be the vitreous, properly strained, more or less clear and transparent or translucent, brittle mass, congealed from the molten condition, consisting chiefly of resin acids, with relatively small proportions of resin or other esters and of nonacid, noncrystalline resenes (except that rosin obtained as described in (2) hereinbelow may contain not more than a very small percentage of fatty acids or fatty substances which naturally occur in and have been extracted from the wood with the rosin),

(1) Which remains as gum rosin, the residue after the distillation of the volatile oil from the oleoresin (gum) obtained from living pine or other coniferous trees; or

(2) Which is recovered as wood rosin (after the distillation of the volatile oil from the oleoresin within or removed from the wood of such trees) by chemical or physical means followed by necessary further refinement.

(b) Rosin may occur also in the form of a vitreous, more or less opaque and crystalline mass formed by crystallization of the resin acids in the product described in paragraph (a) hereof. Resin acids which have been separated or removed, by any process, from a mixture of resinous and other material are not "rosin" within the meaning of the act.

(c) Until other standards are established and promulgated by the Secretary, the standards for rosin are (1) the standard types authorized by the act; (2) the standards and types thereof established and promulgated by the Secretary as standards for rosin; and (3) the standard for "Opaque" rosin.

(d) In accordance with such standards and types of such standards, the various grades of rosin from highest to lowest shall be designated, unless and until changed, by the following letters respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, B; also FF and OP; together with the designation "gum rosin" or "wood rosin," as the case may be.

(e) An article consisting of rosin and an excessive amount of visible extraneous foreign material, or an article which is of such appearance so as not to permit its accurate classification and grading in accordance with the stand-

ards for rosin, shall not be classified, graded, marked, sold, or offered for sale as rosin.

Regulation 6.—Establishing New or Modified Standards

(a) Whenever in the opinion of the Secretary a standard is necessary for any naval stores for which no standard is provided, or whenever, for reasons deemed by him sufficient, the interests of the trade require a modification of an existing standard, opportunities to be heard will be given those favoring or opposing the proposed standard or proposed modification of a standard. When the hearing is to be called for consideration of new standards, 3 months' notice in advance of the hearing will be given; when the hearing is to be called for consideration of the modification of an existing standard, 6 months' notice in advance of the hearing will be given.

(b) When a standard is established for any naval stores for which no standard had theretofore been provided, such standard shall become effective after 3 months from the date of the promulgation thereof; when an existing standard is modified, such modification shall become effective after 6 months from the date of the promulgation thereof.

Regulation 7.—Loan and Care of Duplicates of United States Rosin Standards

(a) Duplicates of the United States rosin standards shall not be sold, but shall remain the property of the Department. They may be loaned by the Department to interested persons when the Chief of Administration determines it practicable to do so, and shall be surrendered promptly at his request by any person to whom the same may have been loaned.

(b) Duplicates of the United States rosin standards may be furnished without prior deposit of security, so far as the supply in the possession of the Department will permit,

(1) To any State or local official duly authorized and regularly appointed to inspect and grade rosin, and who has been approved by the Chief of Administration for receipt thereof, and to such trade organizations as shall in the opinion of the Chief of Administration require same; and

(2) To any bonafide naval stores dealer or distributor, approved by the Chief of Administration to act as a depository of such duplicates, who maintains a regular naval stores yard or yards, the facilities of which are available to and regularly used by the public for the purpose of having rosin inspected, classified, and graded; provided, that an annual rental fee of \$4 shall be paid in advance for each set of duplicates received under this subsection. Not more than two sets of duplicates shall be so furnished, without full security therefor, to any one such naval stores dealer or distributor.

(c) Duplicates of the United States rosin standards may be furnished to interested persons or corporations other than those specified in paragraph (b) hereof, on deposit with the Department of security in the sum of \$100 in cash, or by certified check, post office or express money order payable to United States Department of Agriculture.

(d) An interested person desiring the loan of duplicates of the United States rosin standards shall submit a request, properly signed, on the form provided therefor by the Department, to be had on application. He shall therein submit such information as will show he is entitled to receive such duplicates; assure their safekeeping, care, proper use, and prompt return on demand of the Chief of Administration; agree to reimburse the United States for the cost of repairing any damage to said duplicates or of replacing any or all of them, if for any reason they cannot be returned to the Department in like good order as received; provided, that in case security has been posted, he shall further authorize the Department to reimburse the United States for any such costs, not otherwise paid for, out of the security held for the loan of said duplicates.

(e) If any interested person to whom a set of duplicates has been issued under paragraph (b) hereof shall request or need another set of duplicates to replace such set and shall be unable to return such set, said person shall be required to deposit the security provided in paragraph (c) hereof prior to receiving such replacement duplicates. In case of recovery of the set previously provided or any part thereof, it shall be surrendered for inspection, repair, or replacement if necessary; and after the cost thereof has been deter-

mined and paid, such set will be returned to the interested person, whereupon the other set shall be surrendered and the security returned to the person posting same.

(f) In case any duplicates are damaged, or any or all are missing, the party to whom such duplicates have been loaned shall promptly advise the Administration in writing, stating what damage or loss was sustained and how the same occurred. The Department shall take prompt action to recover the duplicates or any missing parts thereof. When the necessary repairs are made or the missing parts supplied, the full set, if desired, may be returned to the party to whom it was originally furnished.

(g) The cost of making any necessary repairs to any duplicates of the rosin standards or of replacing any duplicates damaged beyond repair, or any missing duplicates, shall be determined by the Chief of Administration, and the party to whom loaned advised of such cost. Payment to cover the cost of such replacement shall be made prior to the return thereof.

(h) On the death of any person or dissolution or reorganization of any partnership, firm, or corporation holding any set of duplicates of the United States rosin standards, the same shall be promptly surrendered to the Department by the holder thereof.

(i) The security received from persons to whom duplicates of the United States rosin standards have been loaned under paragraphs (c) or (d) hereof will be held for the Department in its special deposit account, and will be returned to the person from whom received, or his legal representative, on surrender of the duplicates secured thereby; provided, that before refund is made there shall be deducted the cost of any repairs or replacements.

(j) All moneys received or withheld to cover the cost of repairs to or of replacing any missing parts of any set of duplicates or as rental of duplicates shall be paid into the United States Treasury as miscellaneous receipts.

Regulation 8.—Inspectors

(a) Inspectors may be assigned to such places as may be necessary for the enforcement of the act and these regulations.

(b) Inspectors shall sample, examine, classify, and grade naval stores at the request of an interested person in compliance with the act and these regulations, at the direction of the Chief of Administration.

(c) Inspectors shall be under the authority of and responsible solely to the Department, and shall report the results of any examination, classification, or grading of naval stores made by them only to the Chief of Administration or to such persons as such chief may direct.

Regulation 9.—Samples

(a) Samples of spirits of turpentine and rosin within the scope of the act shall be representative.

(b) Samples of rosin for grading shall be approximately cubical in shape and seven-eighths inch thick through the direction in which they are viewed or graded. Samples may be taken by any of the following methods:

(1) By cutting or cleaving from a lump of the rosin removed by means of a "spike" from the solid mass in the barrel or drum, the top side of which lump shall come from not less than 6 inches below the surface of the rosin.

(2) By means of a tin mold of suitable design which has been placed inside the barrel or drum through an opening in the side, the top of which opening is 8 inches from the top of the container, and so that the sample will have come from a position not less than 4 inches below the surface of the rosin. The mold thus placed must be entirely within the barrel or drum and completely encased in the rosin. It may be removed from the barrel by any suitable device.

(3) By suspending in the barrel or drum of hot molten rosin a $\frac{7}{8}$ -inch-square (inside) tubular mold, $1\frac{1}{2}$ inches or more in length, made of clean, thin tin plate, in such a manner that it will be in a horizontal position at least 4 inches below the top of the rosin in the container after it has thoroughly cooled. The sample contained in such mold is spiked from the barrel after cooling.

(c) For the purpose of determining whether section 5 of the act has been violated, samples shall be collected by an inspector and marked to identify same with the lot or packages from which taken.

Regulation 10.—Analysis, Classification, and Grading on Request

(a) Any naval stores or samples thereof will, if practicable, be examined, analyzed, classified, and/or graded upon request of any interested person, on payment of a fee, as hereinafter prescribed in regulation 14.

(b) A request to examine, analyze, classify, or grade naval stores shall be made in writing to the Administration or to the nearest inspector. Such request shall state the number and kinds of packages of rosin, or the number and kinds of packages or number of gallons of turpentine to be so inspected, the name of the interested person for whose account such service is to be performed, his interest in the naval stores, and whether the request is to be considered for seasonal or for recurrent service at intervals. It shall be signed by such person or on his behalf by his properly authorized agent.

(c) A request to examine, analyze, classify, or grade naval stores may be withdrawn at any time before such service has been completed, subject to the payment of such fees and expenses as may be prescribed pursuant to regulation 14.

(d) Tank cars containing spirits of turpentine of which examination, analysis, or classification has been requested, will be sealed by the inspector with a seal prescribed by the Department after the sample has been taken therefrom. No certificate of analysis or classification furnished by the Department shall be deemed to be applicable to the contents of any car so sealed, after the seal has been broken or removed.

(e) Except in the case of spirits of turpentine in tank cars, as provided for in paragraph (d) hereof, the interested person requesting any examination, analysis, classification, or grading of any naval stores shall agree that the same will remain intact and undisturbed until such examination, analysis, classification, or grading has been completed and the results thereof reported, and, in the case of rosin, the packages have been marked in accordance with the regulations; provided, however, that in case such naval stores do not remain intact and undisturbed until the issuance of the report thereon, such report shall not be in the form of a certificate.

(f) All samples taken by an inspector or submitted by an interested person shall become and remain the property of the Department and shall be disposed of as the Chief of Administration may determine.

Regulation 11.—Certificates

(a) A certificate as provided by section 4 of the act shall be issued in duplicate on naval stores examined at the request of an interested person. The following are the kinds of certificates issued:

1. Turpentine Analysis and Classification Certificate.
2. Turpentine Field Classification Certificate.
3. Rosin Classification and Grade Certificate.
4. Loan and Sale Certificate for United States Graded Rosin.

(b) Each certificate shall contain the information required by the act, and shall be numbered. The designation and form of certificate and the information supplied thereby shall be determined by the Secretary from the request and the nature of the service rendered, as set forth in paragraph (c) hereof or in regulation 14.

(c) The owner of any rosin remaining in original packages which has been examined, inspected, graded, and marked by an inspector may, upon written request, obtain a Loan and Sale Certificate for United States Graded Rosin (hereinafter designated "L. S. Certificate") to cover a specified number of packages of such rosin as to the kind and grade. The request for such certificate shall be made in accordance with regulation 10, and show in addition the name of the producer, the point of origin of the rosin (if it has moved subsequent to original inspection), date of purchase or sale, proposed date of shipment, name of consignee, and destination, supported by proper documents or other evidence thereof, satisfactory to the Secretary. Unless the Secretary is satisfied that the rosin has been previously graded and marked by an inspector and the marks have not been changed, he shall not issue a certificate. Such certificate, numbered, will show the number of barrels of each grade covered thereby, as well as identification marks, and will show that it is based on original Rosin Classification and Grade Certificates previously issued.

(d) If any part of a lot of rosin, for which lot an L. S. Certificate is desired, has not been previously examined, inspected, graded, and marked by an inspector,

and covered by a Rosin Classification and Grade Certificate, it shall first be examined, inspected, graded, and marked by such inspector, and a Rosin Classification and Grade Certificate issued. The cost of such examination, inspection, grading, and marking will be in accordance with regulation 14, and any expense incurred in connection with the handling, opening, spiking, marking, and cooping of the barrels shall be borne by the interested person in accordance with regulation 13 (a).

(e) A certificate showing the results of any examination, analysis, classification, or grading shall be issued only on naval stores of which the samples have been taken by or under the personal direction and supervision of an inspector. The certificate shall be valid only for as long as the naval stores described thereby shall remain under seal or undisturbed in the containers, and while the identity and condition of the naval stores remain the same as at the time of issuance of the certificate.

(f) Certificates shall not be issued to cover naval stores, samples of which have not been taken in accordance with paragraph (e) hereof, or to cover any article which does not conform with the standards established under the act. In such cases a written report, which in no case shall be construed as a certificate, will be issued.

Regulation 12.—Methods of Analysis, Classification, and Grading

(a) The methods of chemical analysis shall be those prescribed by the Association of Official Agricultural Chemists when applicable; provided, however, that if no method of chemical analysis has been prescribed by the Association of Official Agricultural Chemists, or if, for any reason, any such methods are deemed not suitable or sufficient by the Secretary, any method of analysis or examination satisfactory to him may be employed.

(b) The grade of a sample of rosin, taken in accordance with regulation 9, shall be determined by comparing same with the appropriate standard types. The grade shall be the grade of the standard type which the sample equals or excels in color.

(c) A package of rosin which, when sampled in accordance with regulation 9, is found to contain two or more distinct grades of rosin, shall take the grade of the darkest rosin found therein. When sampled also from the bottom head this provision shall not apply if such bottom-head sample is not more than one grade lower than the grade of the sample taken in accordance with regulation 9. If such bottom-head sample is more than one grade lower than the top-head sample, the grade assigned to the package shall be that of the darkest rosin found therein.

(d) Rosin graded by using so-called charge samples or vat samples, namely those obtained by removing a portion of the rosin while in a hot liquid condition from a vat prior to placing in containers, or obtained from the containers before the rosin has become cold and solidified, is not deemed to have been graded in accordance with the provisions of the act or these regulations. The sale in commerce of rosin that is found misgraded as the result of such method of sampling and grading shall be considered as constituting willful violation of section 5 of the act.

Regulation 13.—Preparing, Sampling, and Marking Containers of Naval Stores

(a) An interested person making a request for an examination, analysis, classification, or grading of naval stores shall cause the same to be made available, remove the bungs or heads or otherwise open the containers for sampling, spike the rosin or extract the sampler devices from the barrels, rebung or otherwise close the containers, and mark the same.

(b) Except in the case of tank cars and packages intended to be emptied into a tank car or tank, the interested person making the request shall, under the direction and immediate supervision of the inspector, place upon each package a mark to show that it has been examined, classified, and graded, together with such further marks as the Secretary may require. If, however, the article is not naval stores, within the meaning of the act, or does not comply with any United States standard for naval stores, the package containing it shall not be marked.

(c) All expenses in connection with the sampling, examination, classification, or grading of naval stores as set forth in paragraphs (a) and (b) shall be borne by the interested person making the request.

(d) In case any mark placed on a package of rosin by or under the direction of an inspector has become illegible, the inspector will make such examination before remarking as may be necessary to establish the proper grade or identity of the rosin. No fee will be charged for this service, but the cost of handling, opening, spiking, and recoopering such rosin will be at the expense of the interested person.

(e) Any mark placed upon any package of naval stores by or under the direction of an inspector to show the classification and/or grade or quantity thereof shall not be obliterated, covered up, defaced, or otherwise made illegible by any person other than by an inspector as defined in these regulations.

(f) Any package so packed as to conceal the fact that it consists in whole or in part of an article which is not naval stores within the meaning of the act and these regulations, or any package deemed by an inspector to be unsuitable or unfit to be used as a container of naval stores in commerce, shall not be accepted for classification, grading, or marking; provided, that any classification or grade marks on or any certificate issued covering any such package shall not relieve the interested person at whose request the article was inspected from responsibility under any provision of the act or these regulations, or for delivering a proper article of naval stores in commerce.

Regulation 14.—Cost of Analysis, Classification, and Grading

(a) For the examination, sampling, analysis, and classification of spirits of turpentine, or samples thereof, the interested person requesting such service shall pay a fee, depending on the nature of such service and where it is performed, in accordance with the following rates:

(1) For analysis and classification, viz, determination of such chemical and physical properties as may be necessary to ascertain purity, quality, and/or compliance with designated specifications, the charge shall be at the rate of \$7 for each sample so tested.

(2) For limited examination and classification, viz, determination of kind, and certain easily determined physical characteristics, where such examination and classification require laboratory tests but do not include all the tests described in (1) hereof, the charge shall be at the rate of \$1 per sample so tested.

(3) For the examination and classification of spirits of turpentine in the field, viz, determination of kind, color, appearance, and quantity of such spirits of turpentine, the charge shall be at the rate of 5 cents per package examined; provided, that except where such turpentine is offered for examination and classification at regular or agreed-upon intervals, the minimum charge for examining and classifying any such lot of spirits of turpentine shall be \$2; and provided further, that for such examination and classification of the contents of each tank car the charge shall be \$4.

(b) For the examination, classification, and grading of rosin pursuant to these regulations the interested person requesting such service shall pay fees according to the following scale of charges; provided, however, that except where the rosin is offered for grading at regular or agreed-upon intervals throughout a producing season, the minimum charge for classifying and grading any lot of rosin shall be \$5:

(1) For quantities of 800 or more round barrels or packages offered for grading at any one place at any one time, the charge will be at the rate of 5 cents per round barrel or package, except as provided in paragraph (5) hereof.

(2) For quantities of from 500 to 799 round barrels or packages offered for grading at any one place at any one time, the charge will be at the rate of 6 cents per round barrel or package, except as provided in paragraph (5) hereof; provided, that for any such quantity or lot covered by one or more certificates issued to one person, the total charge shall not be in excess of \$40.

(3) For quantities of less than 500 round barrels or packages offered for grading, the charge will be at the rate of 7 cents per round barrel or package; provided, that for any such quantity or lot graded at any one place at any one time, covered by one or more certificates issued to one person, the total charge shall not be in excess of \$30.

(4) Fees less than the above may be established by the Secretary whenever the quantities offered or to be offered at any point shall be deemed by him to be sufficiently large to warrant same, and contractual relations shall

have been entered into between the Secretary and the interested person or his agent.

(5) The charges of 5 and 6 cents per round barrel or other package established by paragraphs (1) and (2) hereinabove will apply whenever the grading may be handled as for a single lot, regardless of whether certificates are issued to more than one person; provided, however, that when certificates are issued to more than one person, the charge for grading any lot of less than 50 barrels covered by a separate certificate shall be at the rate of 7 cents per round barrel or package.

(c) For each L. S. Certificate issued in accordance with regulation 11 (c) the owner shall pay, in addition to an amount to cover any extra cost incurred by the Government in connection therewith as set forth in paragraph (f) hereof, a fee at the rate of 1 cent per round barrel or other package covered by such certificate; provided, that the minimum charge for any L. S. Certificate will be \$1.

(d) The fee for the analysis, classification, and/or grading of samples of rosin or of anything submitted as such shall be determined in advance in each instance. The person requesting such service shall be notified of such fee and his authority to proceed obtained before such analysis or other examination is made.

(e) No fee shall be charged for a new certificate issued in lieu of an outstanding certificate solely for the purpose of correcting clerical errors therein or for the purpose of substituting a new form of certificate for an outstanding certificate.

(f) Whenever in complying with any request for examination, sampling, analysis, classification, or grading of naval stores it shall be necessary, on account of the nature or urgency of the desired service, for an inspector to depart from a regular schedule or plan of travel, or make a special trip therefor of more than 2 hours duration, including time ordinarily required to proceed to and return from place where service is rendered; or if there be incurred in connection with any such trip extra travel and/or subsistence expenses, as authorized under Government travel regulations; and if, in any such case the service rendered, including time, travel, and subsistence expenses of the inspector, is not compensated by the amount to be collected as fees, as hereinbefore prescribed, then the interested person making the request will be charged such additional amount as, with the prescribed fees, will reimburse the United States for such inspector's time, travel, and subsistence expenses.

(g) Whenever a request for any service, as hereinbefore provided, shall be withdrawn, and there has been any work done, travel performed, or preparation made in connection therewith prior to receipt of such withdrawal, the interested person who requested such service and withdrawal shall pay an amount sufficient to compensate the United States for such work, travel, or preparation, in addition to any other expenses incurred, as provided for in paragraph (f) hereof.

(h) Any shipping expense in connection with any sample taken at the request of an interested person shall be borne by such person.

Regulation 15.—Payment for Services

(a) The Administration shall deliver monthly to each interested person its claim for reimbursement on account of services rendered, in accordance with the prescribed fees and these regulations. Such claim shall be issued as soon as practicable after the last day of each month, provided that any such claim may, in the discretion of the Chief of Administration, be rendered at an earlier date.

(b) Payments on account of such claims shall be made by check, draft, post office or express money order made payable to "Treasurer of the United States."

(c) If any claim shall remain unpaid after 60 days from the date when same was rendered, it shall be considered delinquent, and the Chief of Administration may order the discontinuance of any further services, or may require from any delinquent person requesting any further service under the act a deposit or payment in advance sufficient to cover the fees and expenses involved in the performance of such service.

(d) All moneys received under regulations 7 (b) and (j) and 14 (a), (b), (c), (d), (f), (g), or (h) will be covered into the United States Treasury as miscellaneous receipts.

Regulation 16.—Labels, Invoices, Advertising, and Shipping Documents

(a) All naval stores in commerce shall be graded and described in accordance with the act and these regulations. Packages are not required to be marked, branded, or labeled to describe the nature, grade, classification, and quantity of the contents thereof, but if not so marked, branded, or labeled, the invoice or other document pertaining thereto shall describe the said naval stores in accordance with the appropriate standard or standards and these regulations; provided, that spirits of turpentine which complies with the requirements and specifications of the United States Pharmacopoeia for "oil of turpentine" shall not be deemed to be in violation of the act or these regulations when described as "spirits of turpentine," "oil of turpentine," or "gum turpentine."

(b) Naval stores other than in bulk in tank vehicles, when sold or shipped in commerce under any mark or label to indicate the quality or nature thereof, shall be marked, branded, or labeled to show the true classification and grade of the article, in accordance with the standard of identity or grade therefor, and shall also show the true identity of the manufacturer or shipper thereof; provided, that where shipment is made for the purpose of having the same graded, the above requirement will be waived only with respect to the grade mark.

(c) The phrase "under or by reference to United States standards," as it appears in the Naval Stores Act, is interpreted as follows: (1) the word "under" means by the use of a label, brand, or mark on the package or anything attached to, connected with, or immediately accompanying the same; (2) the words "by reference to" mean by the use of an invoice, bill of sale, shipping paper, or other document specifically describing or referring to the particular naval stores in question.

(d) The grade of rosin as specified or referred to in any invoice or other document pertaining thereto, as well as the grade shown on the package, shall be the true grade of the rosin, and there shall be no variance between the grade mark on the package and the grade referred to in the invoice or other document pertaining to the same.

(e) Except as provided in paragraph (h) hereof there shall not be used in commerce either the word "turpentine" or the word "rosin," singly or with any other word or words; or any compound, derivative, or imitation of either of these words; or any misleading word; or any word, combination of words, letter, or combination of letters mentioned in the Naval Stores Act, in any lawfully promulgated standard, or in these regulations, as being applicable to naval stores; in selling, offering for sale, advertising, or shipping any article, unless it is an article of naval stores that conforms with the United States standards.

(f) The sale in commerce of a mixture of two or more kinds of spirits of turpentine under any designation is prohibited.

(g) Except as provided in paragraph (n) hereof, the word "turpentine" shall not be used in commerce to describe in any manner a mixture consisting of spirits of turpentine with any other oil or solvent.

(h) Except as may be prohibited by paragraph (g) hereof, the use of the word "turpentine" or the word "rosin" is not prohibited when used to describe and to indicate truthfully: (1) the nature of an article made, prepared, or processed from spirits of turpentine or rosin, or oleoresin; or (2) the process by which the article was made or prepared.

(i) There shall not be used in the sale in commerce of naval stores or anything offered as such, any label, device, means, or practice which is in any manner false, misleading, or deceitful.

(j) Spirits of turpentine packed, described, labeled, or sold in a manner indicating that it is a medicinal product or is offered for medicinal use shall be of the standard of quality for such article as laid down in the current United States Pharmacopoeia, and shall be subject to the provisions of the Federal Food and Drugs Act, unless there shall appear on the label or principal part thereof a statement that it is not the medicinal article.

(k) The words "pine" or "pine tree" when used to designate the source of any spirits of turpentine shall be deemed to mean a living, growing plant of the genus *Pinus*, family Pinaceae, unless the words "wood of" are used in connection therewith. The terms "oleoresin of the southern pine" or "oleoresin from the southern pine" shall be deemed to mean the gum or oleoresin exuded by such living, growing trees, the same being the source of gum spirits of turpentine.

(l) The word "gallon" when used on or impressed into any container of spirits of turpentine, or when used in invoices referring to spirits of turpentine

in packages of 10 gallons or less capacity, shall be construed to mean and refer to the United States standard gallon of 231 cubic inches, regardless of any other definitive term used therewith; provided, that this shall not apply to the meaning of the words "Imperial gallon." A gallon of turpentine, or any indicated multiple or fractional part thereof, shall be such quantity when measured at a temperature of not more than 75° F.

(m) An inspector examining any naval stores for the purpose of classifying and grading the same shall remove from the package any classification or grade mark thereon which does not properly describe the naval stores in accordance with his findings.

(n) A compound or mixture containing spirits of turpentine or rosin, or both, with other drugs, when sold for medicinal purposes, is not deemed to be subject to the provisions of the Naval Stores Act but is subject to the provisions of the Federal Food and Drugs Act.

Regulation 17.—Hearings

(a) Whenever it appears that any of the provisions of the Naval Stores Act have been violated, notice shall be given to the firm or person that appears to be responsible for the violation, and to such other person or persons as may be advisable, and a date shall be fixed on which such person or persons may appear and be accorded a hearing. Such hearing shall be held at the office of the Administration most convenient to the persons cited, or at the office of the Administration in Washington, District of Columbia, and only factual matters shall be considered. The person or persons notified may present evidence, either oral or written, in person or by attorney, to show cause why they should not be prosecuted for such apparent violation of the act.

(b) After such hearing is held, if it appears that the act has been willfully violated the Secretary shall report the facts for prosecution.

Regulation 18.—Publication of Findings

(a) After any judgment has been rendered in any court of competent jurisdiction with respect to any proceeding arising under the act, notice shall be given by publication. Such notice shall include the finding of the court and may include the analysis, classification, and grade of any article involved in such proceeding and such explanatory statements of fact as may be appropriate. If an appeal shall have been taken from the judgment of the court before such publication, that fact shall appear.

(b) The results of the analysis, classification, or grading made under this act of any spirits of turpentine or anything offered as such may be published from time to time.

(c) Publications under this regulation may be in the form of a circular, notice, or bulletin.

THE NAVAL STORES ACT, MARCH 3, 1923

AN ACT Establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for convenience of reference, this act may be designated and cited as "The Naval Stores Act."

SEC. 2. That, when used in this act—

(a) "Naval stores" means spirits of turpentine and rosin.

(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

SEC. 3. That for the purposes of this act the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 2 hereof and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least 3 months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after 3 months from the date of the promulgation thereof. Any standard made by this act or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least 6 months' notice of the proposed modifications shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after 6 months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively, X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin," as the case may be.

The standards herein made and authorized to be made shall be known as the "Official Naval Stores Standards of the United States," and may be referred to by the abbreviated expression "United States Standards" and shall be the standards by which all naval stores in commerce shall be graded and described.

SEC. 4. That the Secretary of Agriculture shall provide, if practicable, any interested person with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of any such analysis, classification, or grade, and shall be admissible as such in any court.

SEC. 5. That the following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such.

SEC. 6. That any person willfully violating any provision of section 5 of this act shall, on conviction, be punished for each offense by a fine not exceeding \$5,000 or by imprisonment for not exceeding 1 year, or both.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this act. He shall report to the Department of Justice for appropriate action any violation of this act coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this act.

SEC. 8. That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this act, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere.

SEC. 9. That if any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 10. That this act shall become effective at the expiration of 90 days next after the date of its approval.

Approved, March 3, 1923.

STANDARDS ESTABLISHED OR MODIFIED UNDER PROVISIONS OF THE NAVAL STORES ACT

NOTICE OF ESTABLISHMENT AND PROMULGATION OF A STANDARD FOR OPAQUE ROSIN

Pursuant to the authority vested in the Secretary of Agriculture by section 3 of the Naval Stores Act, approved March 3, 1923 (42 Stat. 1436), and after 3 months notice of the proposed standard having been given to the trade, as far as practicable, and due hearings and reasonable opportunity to be heard having been afforded those favoring or opposing the same, I, W. M. Jardine, do hereby establish, promulgate, and give public notice of the United States standard for opaque rosin, effective May 15, 1926.

United States Standard for Opaque Rosin

Opaque Rosin is rosin which because of its turbid, murky, or cloudy appearance can not be graded under the other United States standards. The grade of such rosin shall be designated by the letters "OP," together with the designation "gum rosin" or "wood rosin," as the case may be.



In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the District of Columbia, this 2d day of February, 1926.

W. M. JARDINE,
Secretary of Agriculture.

NOTICE OF ESTABLISHMENT AND PROMULGATION OF A STANDARD FOR FF ROSIN

Pursuant to the authority vested in the Secretary of Agriculture by section 3 of the Naval Stores Act, approved March 3, 1923 (42 Stat. 1436), and after 3 months notice of the proposed standard having been given to the trade, as far as practicable, and due hearing and reasonable opportunity to be heard having been afforded those favoring or opposing the same, I, W. M. Jardine, do hereby establish, promulgate, and give public notice of the United States standard for FF rosin, effective April 1, 1928.

United States Standard for FF Rosin

FF Rosin is rosin which because it is of a redder color than the standards previously established under the Naval Stores Act can not be graded under the other United States standards. The standard for FF rosin is the type which has been prepared by the Secretary of Agriculture and which has been designated by him "FF." The grade of such rosin shall be designated by the letters "FF," together with the designation "gum rosin" or "wood rosin," as the case may be.



In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the District of Columbia, this 28th day of December, 1927.

W. M. JARDINE,
Secretary of Agriculture.

NOTICE OF ESTABLISHMENT AND PROMULGATION OF A STANDARD FOR SULPHATE WOOD TURPENTINE

Pursuant to the authority vested in the Secretary of Agriculture by section 3 of the Naval Stores Act, approved March 3, 1923 (42 Stat. 1436), and after 3 months' notice of the proposed standard having been given to the trade, as far as practicable, and due hearings and reasonable opportunity to be heard having been afforded those favoring or opposing the same, I, W. M. Jardine, do hereby establish, promulgate, and give public notice of the United States standard for sulphate wood turpentine, effective March 20, 1929.

United States Standard for Sulphate Wood Turpentine

Sulphate Wood Turpentine means wood turpentine obtained from wood by the sulphate process.



In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the District of Columbia, this 20th day of December, 1928.

W. M. JARDINE,
Secretary of Agriculture.

NOTICE OF MODIFICATION OF THE UNITED STATES STANDARDS FOR ROSIN AND PROMULGATION OF THE MODIFIED STANDARDS

Pursuant to the authority vested in the Secretary of Agriculture by section 3 of the Naval Stores Act, approved March 3, 1923 (42 Stat. 1436; U. S. C., title 7, sec. 91-99), and after 6 months' notice of the proposed modifications of certain of the United States standards for rosin having been given to the trade, as far as practicable, and due hearings and reasonable opportunity to be heard having been afforded those favoring or opposing the same, I, Henry A. Wallace, do hereby promulgate and give public notice of certain modifica-

tions of certain of the United States standards for rosin as hereinunder described and set forth, to become and be effective on and after May 6, 1936.

Official Naval Stores Standards of the United States for Rosin

The standards for rosin, except the standards for FF and opaque rosin, heretofore made and promulgated under the act of March 3, 1923 (42 Stat. 1436; U. S. C., title 7, sec. 91-99), are hereby modified in accordance with the authority contained in said act.

The standards for rosin as modified, consisting of glass types prepared by and on deposit with the Food and Drug Administration of the United States Department of Agriculture together with the existing standards for FF and opaque rosin, are, and are hereby, declared to be the "Official Naval Stores Standards of the United States" for rosin.



In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, this 6th day of November 1935.

H. A. WALLACE,
Secretary of Agriculture.

